

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
NRT Communications Group, LLC)	NAL/Acct. No. 201841420001
Application for License Renewal of Station)	Fac. ID No. 32621
KVAW(TV), Eagle Pass, Texas)	FRN: 0020514378
)	File No. BRC DT-20140401AQE

ORDER

Adopted: January 8, 2018

Released: January 8, 2018

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Media Bureau (Bureau) of the Federal Communications Commission (Commission) and NRT Communications Group, LLC (NRT or Licensee). The Consent Decree resolves issues raised in the Bureau's review of the above-captioned application for license renewal for station KVAW(TV), Eagle Pass, Texas (Station), specifically the Licensee's compliance with: (1) Section 73.3526(e)(11)(i) of the Rules,¹ which requires broadcast stations to prepare and place on a quarterly basis in their local public inspection file TV issues/programs lists; (2) Section 73.3526(e)(11)(ii) of the Rules,² which requires broadcast stations to prepare and place on a quarterly basis in their local public inspection file documentation demonstrating compliance with the Commission's limits on commercial matter during children's programming; (3) Section 73.3526(e)(11)(iii) of the Rules,³ which requires broadcast stations to prepare and place on a quarterly basis in their local public inspection file and file with the Commission Children's Television Programming Reports; (4) Section 73.3526(e)(13) of the Rules requiring that each applicant for renewal of its license place into its public file a certification that the Station ran its required pre-filing and post-filing public announcements, as required by Section 73.3580(h) of the Rules;⁴ (5) Section 73.3615 of the Rules requiring the filing of a biennial ownership report and ownership report upon change in ownership;⁵ and (6) Section 73.3514(a) of the Rules requiring that each application filed with the Commission include all necessary information.⁶

2. After reviewing its terms, we find that the public interest would be served by adopting the Consent Decree. Although we conclude that the Consent Decree contains appropriate terms and conditions, after reviewing the record before us, we believe that the grant of a short-term renewal is appropriate in order to better ensure the Licensee's ongoing compliance with the Act and the Rules.⁷

¹ 47 C.F.R. §§ 73.3526(e)(11)(i).

² 47 C.F.R. §§ 73.3526(e)(11)(ii).

³ 47 C.F.R. §§ 73.3526(e)(11)(iii).

⁴ 47 C.F.R. § 73.3526(e)(13).

⁵ 47 C.F.R. § 73.3580(h).

⁶ 47 C.F.R. § 73.3514(a).

⁷ Section 309(k)(1) of the Act states that the Commission shall grant a license renewal application "if it finds, with respect to that station, during the preceding term of its license—(a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or Commission rules and regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or

(continued....)

Accordingly, Media Bureau staff is instructed to grant the renewal application, File No. BRCDT-20140401AQE, and renew the Station's license for a period of two years pursuant to Section 309(k)(2) of the Communications Act of 1934, as amended (Act). Grant shall be conditioned upon KVAW fully and timely satisfying its obligation to pay the Civil Penalty as called for and in the manner set forth by paragraph 17 of the Consent Decree. As a result, we need not determine whether KVAW committed "serious violations" of our rules or violations that constituted a "pattern of abuse" for purposes of Section 309(k)(1).⁸ A copy of the Consent Decree is attached hereto and incorporated by reference.

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) of the Communications Act of 1934, as amended,⁹ and authority delegated by Sections 0.61 and 0.283 of the Commission's rules,¹⁰ the Consent Decree attached to this Order **IS ADOPTED**.

4. **IT IS FURTHER ORDERED** that the investigation by the Commission into the matters discussed above and in connection with this station **IS TERMINATED**.

5. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by both First Class mail and Certified Mail, Return Receipt Requested, to the Licensee, NRT Communications Group, LLC, 2524 N. Veterans Blvd., Eagle Pass, TX 78852 and to its counsel, Alfonso Cabanas Esq., Cabanas Attorneys, The Tower Life Building, 310 S. St. Mary's Street, Suite 955, San Antonio, TX 78205.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

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regulations which, taken together, would constitute a pattern of abuse." 47 U.S.C. § 309(k)(1). Section 309(k)(2) of the Act states, however, that if the licensee fails to meet this three-part standard, the Commission may deny the application—after notice and comment, and opportunity for hearing under Section 309(e) of the Act—"or grant the application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted." 47 U.S.C. § 309(k)(2).

⁸ See *Shareholders of Univision Communications Inc. et al.*, Memorandum Opinion and Order, 22 FCC Rcd 5842, 5859, n.113 (2007) ("Given our finding that the grant of the renewal application is warranted under Section 309(k)(2) of the Act because the consent decree contains appropriate terms and conditions, we need not determine whether Univision committed 'serious violations' of our rules or violations that constituted 'a pattern of abuse' for purposes of Section 309(k)(1))."

⁹ 47 U.S.C. §§ 154(i).

¹⁰ 47 CFR §§ 0.61, 0.283.

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NRT Communications Group, LLC)	NAL/Acct. No. 201841420001
Application for License Renewal of Station)	Fac. ID No. 32621
KVAW(TV), Eagle Pass, Texas)	FRN: 0020514378
)	File No. BRC DT-20140401AQE

CONSENT DECREE

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and NRT Communications Group, LLC (NRT or Licensee), licensee of station KVAW(TV), Eagle Pass, Texas, hereby enter into this Consent Decree for the purpose of: (i) resolving the Bureau's investigation of NRT's compliance with Sections 73.3526, 73.3615, 73.3514(a), and 73.3580(h) of the Commission's rules¹ and (ii) facilitating the short-term grant of the above captioned pending license renewal application.

I. DEFINITIONS

2. For the purposes of this Consent Decree and Compliance Plan, the following definitions shall apply:

- a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
- b) "Adopting Order" means the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
- c) "Bureau" means the Media Bureau of the Federal Communication Commission.
- d) "Commission" or "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
- e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which NRT is subject by virtue of being a Commission licensee, and/or controlling party of a Commission licensee, including but not limited to 47 C.F.R. §§ 73.3526, 73.3615, 73.3514(a), and 73.3580(h).
- f) "Division" means the Video Division of the Media Bureau.
- g) "Effective Date" means the date on which the Bureau releases the Adopting Order.
- h) "Investigation" means the Media Bureau's investigation of NRT's potential violations of 47 C.F.R. § 73.3526, 73.3615, 73.3514(a), and 73.3580.
- i) "License Renewal Application" means the license renewal application of station KVAW(TV), Eagle Pass, Texas, File No. BRC DT-201410401AOE.
- j) "Parties" means NRT and the Bureau, each of which is a "Party."
- k) "Public file" or "E-pif" refers to the documents a commercial broadcast station is required to maintain as part of its local public inspection file, as required by Section 73.3526 of the Rules.

¹ 47 CFR §§ 73.3526, 73.3615, 73.3514(a), and 73.3580(h).

- l) “NRT” means NRT Communications Group, LLC and its subsidiaries, affiliates, successors, assigns, and/or transferees.
- m) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- n) “Station” means the broadcast television station KVAW(TV), Eagle Pass, Texas.

II. BACKGROUND

3. On April 1, 2014, the Licensee timely filed its license renewal application (FCC Form 303-S) for the Station.² The Licensee acquired the Station on May 13, 2011, and in its License Renewal Application was required to certify its compliance with all Commission rules, including compliance with the Station’s public file requirements from the date of acquisition. A review of the Station’s e-pif by Division staff revealed that numerous documents were either missing or filed late. On January 6, 2016, Division staff sent the Licensee a letter of inquiry seeking information concerning the missing and late-filed public file documents, including compliance with Section 73.3526 of the Rules since the Station was acquired by NRT.³ On March 4, 2016, NRT filed a response with the Commission answering all questions presented in the letter.⁴ Specifically, NRT stated that: (1) with the exception of third quarter of 2014, first quarter 2016, and second quarter 2016, no quarterly TV issues/programs lists or commercial limit certifications were prepared since the Licensee acquired the Station; (2) all the of Station’s Children’s Television Programming Reports, with the exception of first and third quarters of 2014 were filed late; (4) it failed to place in the Station’s electronic public file a certification that the Station aired its local public announcements concerning the filing of the Station’s license renewal; and (5) the Station failed to file its “post-closing” media ownership report, which should have been filed by June 12, 2011, as well as file in a timely manner its 2011 Biennial Ownership Report.⁵

4. Section 73.3526 of the Rules requires each full power broadcast licensee to maintain a public file containing information related to a station’s operations. In particular, Subsection 73.3526(e)(11)(i) requires every full power television licensee to place in its public file, on a quarterly basis, a TV issues/programs list which details programs that have provided the station’s most significant treatment of community issues during the preceding three-month period and must include a brief narrative of the issue addressed, as well as the time, date, duration, and title of each program that addressed the issue. Subsection 73.3526(e)(11)(ii) of the Rules requires each commercial television licensee to prepare and place in its public inspection file, on a quarterly basis, records sufficient to substantiate the Station’s certification, in its license renewal application, of compliance with the commercial limits on children’s programming.⁶ That subsection also requires those licensees to file the records with the Commission by the tenth day after the close of the reporting quarter.⁷ Copies of these documents must be retained until final action on the station’s next license renewal application.

² *License Renewal Application.*

³ Letter from David Brown, Deputy Chief, Video Division, Media Bureau to NRT Communications Group, LLC, Daniel Kirkpatrick, Esq., and Francisco R. Montero, Esq. (Jan. 6, 2016).

⁴ NRT was required to file a response to the LOI within 30 days. NRT requested two requests for extension of time to respond, both requests were granted by Division staff.

⁵ Response from Francisco R. Montero and Anne Goodwin Crump, Counsel to NRT Communications Group, LLC to Ms. Marlene Dortch, Secretary, Federal Communications Commission (Mar. 4, 2016) (LOI Response).

⁶ 47 CFR § 73.3526(e)(11)(ii).

⁷ Starting March 31, 2016, broadcasters are required to file their quarterly Children’s Television Programming Reports using the Commission’s Licensing and Management System (LMS). *See All Children’s Television Programming Reports Must Be Filed Using the Commission’s Licensing and Management System*, Public Notice, 31 FCC Rcd 1104 (MB 2016). Prior to that date, all quarterly Children’s Television Programming Reports were filed using the Commission’s KidVid Online Filing System.

5. In 2012, the Commission adopted Section 73.3526(b) of the Rules, which requires licensees to upload elements of Stations' physical public file to an on-line Commission hosted website (*i.e.*, a Station's e-pif or electronic public file).⁸ The Commission's electronic public file requirement was implemented as a means to modernize the way that television broadcasters "inform the public about how they are serving their communities...."⁹ Broadcasters' e-pif requirements were phased in between August 2012 and February 2013. Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station's public file, with limited exception, to their e-pif on a going-forward basis. By February 4, 2013, stations were required with limited exception to upload to their e-pif those documents that were already in their physical public file prior to August 2, 2012.¹⁰ Under Section 73.3526(b)(2) of the Rules, copies of a Station's Commercial Limit Certifications and TV issues/programs lists, among other items, must be placed in its e-pif.

6. Since acquiring the Station in May 2011, with the exception of third quarter of 2014, all of 2016 and first quarter of 2017, the Licensee failed to prepare any quarterly TV issues/programs lists.¹¹ Furthermore, no commercial limit certifications were prepared, however, NRT has placed a certification in its electronic public file certifying that for the prior license term the Station complied with the Commission's commercial limit rules.¹² Finally, with the exception of first and third quarters of 2014, all the Station's Children's Television Programming Reports were filed late.

7. Subsection 73.3526(e)(13) of the Rules provides that "[e]ach applicant for renewal of license shall, within 7 days of the last day of broadcast of the local public notice of filing announcements required pursuant to § 73.3580(h), place in the station's local public inspection file a statement certifying compliance with this requirement...."¹³ NRT not only admits that it failed to upload any statements that would demonstrate compliance with this requirement,¹⁴ but it also failed to air the required pre-filing and

⁸ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children's Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012) ("*Second R&O*") (requiring broadcast television stations to post their public inspection files, with limited exceptions, to an online Commission-hosted database).

⁹ *Second R&O*, 27 FCC Rcd at 4536.

¹⁰ See *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012) (announcing effective date of electronic public file rule); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012) (reminding station's to upload copies of existing public file documents to their electronic public file); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013) (providing a final reminder to broadcasters to upload copies of existing public file documents to their electronic public file); see *Second R&O*, 27 FCC Rcd at 4580 (establishing compliance periods for complying with broadcasters new electronic public file requirement).

¹¹ NRT states that the TV issues/programs lists for the portion of second quarter 2011 that it was the licensee, as well as third quarter 2011 and fourth quarter 2011 would have stated that the Station was off-the-air and therefore not offering any issue-responsive programming. LOI Response at 2. While the Station prepared TV issues/programs lists for first, third and fourth quarters of 2016 and first quarter of 2017, these reports were not prepared or placed in the station's e-pif in a timely manner. In addition, the TV issues/program list for third quarter of 2014 includes programming for the months of May, June, July and August. The report should have included programming for July, August and September. May and June should have been included in the Station's second quarter TV issues/programs list, which was never prepared.

¹² LOI Response at 2. After filing its LOI Response the licensee filed commercial limit certifications for first quarter and second quarter of 2016. It has failed to place another certification in its public file stating that it has complied with the commercial limit rules for third and fourth quarter of 2016 and first quarter of 2017.

¹³ 47 CFR § 73.3526(e)(13).

¹⁴ LOI Response at 3.

post-filing announcements required by Section 73.3580(d)(4) of the Rules.¹⁵ Consistent with Bureau practice in such a circumstance, Division staff instructed NRT to run the required post-filing announcements, as laid out by Section 73.3580(d)(4)(ii),¹⁶ and upon completion of those announcements place in the Station electronic public file the certification required pursuant to Section 73.3580(h).¹⁷ Such a certification has been filed and no objections to renewal of the Station's license were received.

8. Section 73.3615 of the Rules requires all full power television stations, as well as entities with attributable interests are required to file an ownership report using FCC Form 323 on a biennial basis.¹⁸ In addition, a FCC Form 323 is required to be filed within thirty (30) days of consummation of an authorized assignment or transfer of control of a permit or license. The new licensee is required to give the same information required in a Station's biennial ownership report.¹⁹ NRT states that it failed to file its "post-closing" ownership report within thirty days of acquiring the Station. NRT goes on to admit that it also did not file its 2011 biennial ownership report until February 16, 2012, over two-months after the filing deadline.²⁰

9. Section 73.3514(a) of the Rules provides that "[e]ach application shall include all information called for by the particular form on which the application is required to be filed...."²¹ Section IV, of the license renewal application requires the licensee to certify that during the license term it complied with various aspects of the Rules, including placing required documents into the Station's public file, as required by Section 73.3526 of the Rules and filing biennial ownership reports as required by Section 73.3615 of the Rules. In response to Question 3 in its license renewal application, NRT certified that it had placed all required documents as required. NRT failed to disclose that it had failed to prepare and/or place in a timely manner the aforementioned documents and forms. The Licensee has subsequently amended the License Renewal Application to reflect its failures.

10. The Bureau and NRT have negotiated the terms of the Consent Decree that terminates all investigations into the matters raised in this proceeding. As part of the Consent Decree, NRT has agreed to make a settlement payment of Twelve Thousand Five Hundred (\$12,500) to the U.S. Treasury, and to implement and maintain a Compliance Plan designed to ensure its future compliance with the Act and Commission's rules, including those discussed above.

III. TERMS OF AGREEMENT

11. Adopting Order. The Parties agree that the provisions of this Consent Decree shall be incorporated by reference in an Adopting Order without change, addition, deletion or modification.

12. Jurisdiction. NRT agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

¹⁵ 47 CFR § 73.3580(d)(4). The Licensee admitted to this failure via e-mail correspondence with Division staff.

¹⁶ 47 CFR § 73.3580(d)(4)(ii).

¹⁷ 47 CFR § 73.3580(h).

¹⁸ 47 CFR § 73.3615(a). Stations were first required to file a revised FCC Form 323 on or before November 1, 2009, with information current as of October 1, 2009, and to file biennially thereafter. In 2011 the Bureau extended the filing deadline. See *Promoting Diversification in the Broadcasting Services*, MB Docket No. 07-294, Order, 26 FCC Rcd 11464 (extending the filing deadline to file 2011 Biennial Ownership Reports until December 1, 2011).

¹⁹ 47 CFR § 73.3615(b).

²⁰ LOI Response at 1-2.

²¹ 47 CFR § 73.3514(a).

13. Effective Date. The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission.

14. Violations. The Parties agree that any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission or its delegated authority to exercise any rights and remedies attendant to the enforcement of a Commission order.

15. Termination of Investigation; Grant of Short-Term Renewal Application. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, NRT agrees to the terms and conditions contained herein. The Bureau further agrees to grant absent any other restrictions, in conjunction and simultaneously with the adoption of this Consent Decree, the License Renewal Application for a period of two years from the Effective Date. In consideration for the termination of the Investigation, NRT agrees to the terms, conditions, and procedures contained herein, including the actions specified in Paragraphs 17 and 20. Grant of the License Renewal Application is expressly conditioned on NRT fully and timely satisfying its obligation to make a total Civil Penalty Payment in the amount of \$12,500 in the manner specified in paragraph 17 of this Consent Decree. The Bureau further agrees that in the absence of new material evidence or failure by NRT to satisfy the terms and conditions set forth in paragraphs 17 and 20 of the Consent Decree, it will not use the facts developed, in whole or in part, from the Investigation through the Effective Date, or the existence of this Consent Decree to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against NRT concerning the matters that were the subject of the Investigation. Nor will the Bureau take any action in response to any petition to deny, complaint or objection against NRT concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence or failure by NRT to satisfy the terms and conditions set forth in paragraphs 17 and 20 of the Consent Decree, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action in response to any petition to deny, complaint or objection, against NRT with respect to its basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

16. Subsequent Investigations. Except as expressly provided herein, this Consent Decree shall not prevent the Bureau or Commission from investigating new evidence of noncompliance by NRT with the Communications Laws. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against NRT for alleged violations of the Act or the Commission's rules or for any other type of alleged misconduct, regardless of when such misconduct took place, subject to the limitations set forth in Paragraph 15. The Bureau or Commission's adjudication of any such complaints or pleadings will be based solely on the record developed in subsequent proceedings.

17. Civil Penalty. NRT will pay a civil penalty to the United States Treasury in the amount of Twelve Thousand, Five Hundred Dollars (\$12,500) within ten (10) days after the Effective Date (Civil Penalty). NRT acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).²² NRT shall send electronic notification of payment to Evan Morris at evan.morris@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the FRN captioned above.²³ An FCC Form 159 (Remittance Advice) must be submitted with payment unless

²² Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

²³ Payment may be made online at the Commission's Fee Filer website: <https://www.fcc.gov/encyclopedia/fee-filer>. Online payments do not require Licensees to submit FCC Form 159. Alternatively, payment may be made using FCC Form 159; detailed instructions for completing the form may be obtained at

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payment is made online at the Commission's Fee Filer website.²⁴ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that NRT should follow based on the form of payment it selects:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 270000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

18. Waivers. As of the Effective Date, NRT waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. NRT shall retain the right to challenge the Commission's interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither NRT nor the Bureau shall contest the validity of the Consent Decree or the Adopting Order, and NRT shall waive any statutory right to a trial *de novo*. NRT hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree. Notwithstanding any provision of this Consent Decree or the Adopting Order, the Bureau may consider the terms of the Consent Decree void and of no further force and effect if the condition specified in paragraph 17 is not fully and timely satisfied by NRT.

19. Admission of Liability. NRT admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 15 herein, to the facts discussed in paragraphs 3-10 regarding NRT's failure to meet the requirements of Sections 73.3526, 73.3514(a), 73.3615, and 73.3580(h) of the Rules. By entering into this Consent Decree, NRT makes no other admission of liability or violation of any law, regulation or policy, and the Commission makes no finding of any such liability or violation.

20. Compliance Plan. In recognition that NRT's policies and practices regarding compliance with the Rules, especially Section 73.3526, can be enhanced to ensure compliance in the future, NRT agrees to implement a compliance plan at the Station and at any station acquired by NRT, as well as any station licensed to NRT that becomes newly subject to the applicable requirements while the Compliance Plan remains in effect. A copy of the Compliance Plan is provided below. NRT agrees, to the extent that it has not already done so, to implement the Compliance Plan within thirty (30) calendar days following the Effective Date and to keep such Compliance Plan in effect until Commission action on the Station's next license renewal application is final.

(Continued from previous page) _____
<http://www.fcc.gov/Forms/Form159/159.pdf>.

²⁴ Should the Licensee have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e mail at ARINQUIRIES@fcc.gov.

21. Severability. The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

22. Invalidity. In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

23. Subsequent Rule or Order. The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except a rule or order specifically intended to revise the terms of this Consent Decree to which NRT expressly consents) that provision will be superseded by such rule or Commission order. A conflict will be considered to have arisen in the event that the Licensees or DTV Holding are unable to comply with both the terms and conditions of the Consent Decree and the Communications Laws, as amended.

24. Successors and Assigns. NRT agrees that the provisions of this Consent Decree shall be binding on its subsidiaries, affiliates, successors, assigns, and/or transferees.

25. Final Settlement. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

26. Modifications. This Consent Decree cannot be modified without the advance written consent of all Parties.

27. Paragraph Headings. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

28. Authorized Representative. Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

29. Counterparts. This Consent Decree may be signed in any number of counterparts, each of which, when executed and delivered (including by pdf or facsimile), shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

Federal Communications Commission

By:

Michelle M. Carey
Chief, Media Bureau

Date

NRT Communications Group, LLC

By:

Susanna Guillen de Gonzalez
Manager

Date

COMPLIANCE PLAN OF NRT COMMUNICATIONS GROUP, LLC

In order to ensure future compliance with the Rules and the Act, NRT will institute the following procedures for any television or radio station that is licensed, controlled or subsequently acquired by it. This Compliance Plan is meant to cover, but is not limited to, KVAW(TV), Eagle Pass, Texas. Unless otherwise provided, all terms defined in paragraph 2 of the Consent Decree apply to this Compliance Plan. The terms of this Compliance Plan shall remain in effect until action on the Station's next license renewal application is final.

1. NRT will designate a Compliance Officer responsible for responding to employee questions, consulting with FCC Counsel regarding compliance matters, and ensuring all stations operate in compliance with the Rules and the Act, including but not limited to Sections 73.3526, 73.3615, 73.3514(a), and 73.3580(h) of the Rules. The name and contact information for the Compliance Officer shall be listed in a document and placed in the Station's electronic public file under the folder entitled "FCC Investigations or Complaints."

2. In order to ensure compliance with the FCC's related rules and policies the Compliance Officer will oversee, as applicable, the preparation and filing of all public file documents, the maintenance of its physical and electronic public files, the preparation and filing of all other required FCC Forms and applications, and the payment of any applicable filing and regulatory fees.

3. The Compliance Officer will conduct training for all station employees and management at least once every twelve (12) months on compliance with FCC Rules applicable to his or her duties at the station. The first training shall occur within thirty (30) days of the Effective Date. A certification that the aforementioned training has occurred shall be placed in the online electronic local public inspection file for the Station within three (3) business days.

4. The Compliance Officer will train any new employee within five (5) business days of commencement of his or her duties at the station. Notice to the Bureau that this training has occurred is not required, but the employee must sign a declaration affirming that such training has occurred and such declaration must be retained by NRT for the term of the Compliance Plan and be provided to the Bureau upon request.

5. The Compliance Officer will be responsible for remaining up-to-date on developments in communications law applicable to the station and its operations. This may include consultation with an outside third-party, such as legal counsel, in order to obtain guidance on FCC compliance issues and to review all applications, documents, and reports prior to filing with the FCC. In regards to the last matter, NRT recognizes and acknowledges that any and all information provided to the FCC must completely and candidly set forth all relevant facts and circumstances, regardless of whether such submission may disclose a violation of the Rules or the Act.